

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GLYNN HARTT, individually and on behalf
of all others similarly situated,

Plaintiff

vs.

FLAGSHIP CREDIT CORPORATION,

Defendant.

CIVIL ACTION NO. 10-CV-00822(NS)

**CERTIFICATION OF CARY L. FLITTER REGARDING
ADMINISTRATION OF CLASS SETTLEMENT**

I, CARY L. FLITTER, an adult individual, certify the following to be true and correct:

1. I am a member of the bar of this Court in good standing and counsel for Plaintiff Glynn Hartt and the Class in the above-captioned action.

2. On April 15, 2011, this Court entered an Order for Final Judgment and dismissal (Doc. No. 46) ("Order"). The Order gave final approval to the Class Settlement and permitted the Settlement Agreement to be implemented according to its terms. Two of the material terms were distribution of the settlement proceeds to Class Members and the distribution of residue to the approved *cy pres* recipients.

3. I am filing herewith the Affidavit of Frank Barkan of RSM McGladrey, Inc. RSM McGladrey was the approved Class Action Settlement Administrator in this action. In the Affidavit, Mr. Barkan attests to his receipt of the distributable settlement funds and his efforts to locate Class Members.

4. Mr. Barkan attests that after mailing and re-mailing, there was \$121,200.40 representing funds allocated for 73 Class Members who were not able to be located. There was, additionally, \$322,526.73 from 120 Class Members who did not cash or negotiate their checks.

The administrator also had a small overage from the sum allowed for bank fees, of \$1,666.14. As such, there was \$445,393.27 remaining available to distribute, in equal shares, to the three approved *cy pres* recipients: Philadelphia Legal Assistance; The University of Houston, Consumer Law Center; and Texas Rio Grande Legal Aid. *See* Order, ¶ 5.

5. I received from the Administrator check number 3952508 payable to Philadelphia Legal Assistance in the amount of \$148,464.43. On December 7, 2011, I delivered that check to the office of Philadelphia Legal Assistance, 42 South 15th Street, Philadelphia, PA 19102 to the attention of its Executive Director Anita Santos-Singh. I sent by overnight delivery to Class Co-Counsel Richard Tomlinson two *cy pres* checks for delivery to the recipients in Texas.

6. Filed herewith is the Declaration of Richard Tomlinson. In that Declaration, Mr. Tomlinson attests that he delivered check number 3952510 in the amount of \$148,464.42 to the University of Houston Consumer Law Center. Mr. Tomlinson also attests that on December 12, 2011, he sent the check number 3952509 in the amount of \$148,464.42 to Texas Rio Grande Legal Aid in Weslaco, Texas by Federal Express, and that Mr. Tomlinson has received a confirmation of receipt of that check.

7. I have also received a number of inquiries from Class Members concerning the status of their check, check payment issues, credit reporting issues, and other matters related to their vehicle loans with Flagship Credit. We have addressed the problems presented and will continue to handle such inquiries and assist Class Members in the matters pertaining to their Flagship loans and the settlement of this Class Action in the future, as required.

8. With the distribution of the checks to Class Members, the relief from deficiency claims, the payment of the full residue to the three *cy pres* recipients as described above and in the accompanying Affidavits of Messrs. Barkan and Tomlinson, I certify that the administration

of this Class Action has been successfully completed according to the terms of the Settlement Agreement and this Court's Order.

Pursuant to 28 U.S.C. §1746, I certify, under penalty of perjury that the foregoing is true and correct.

Date: 12/27/11

/s/ Cary L. Flitter

CARY L. FLITTER
Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2011, I electronically filed the foregoing with the
Clerk of Court using the CM/ECF system which sent notification of such filing to:

Marc J. Sonnenfeld, Esquire
John P. Lavelle, Jr., Esquire
Iddo Harel, Esquire
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921

Said document is available for viewing and downloading from the ECF system

Date: 12/27/11

/s/Cary L. Flitter

CARY L. FLITTER